

All corrections to notes on this calendar should be filed no later than noon on 5/22/08. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

Proposed Local Rules have been posted and can be viewed by visiting
<http://www.sbcounty.gov/courts/pdfs/misc/proposedrules.pdf>

The court welcomes your comments on these proposed rules. Please send them via E-mail to dmeyers@courts.sbcounty.gov or mail them to San Bernardino County Superior Court, 303 West Third Street, Mail Stop 240, San Bernardino, CA 92415. Comments are due by May 12, 2008. If sending comments close to the end of the comment period, please email only.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. **PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES.** No legal or procedural advice may be given.

Superior Court of Calif, County of San Bernardino

Page: 1

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH **PROBATE**

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01593

CASE NAME: ESTATE OF BERNICE EUDORA BURTON

HEARING:

FIRST AND FINAL Account and Report of DOLORES DIANE SAPP and
Petition for allowance of fees filed.

COUNSEL:

DOLORES DIANE SAPP (PET)...BRUCE NISHIOKA
BERNICE EUDORA BURTON (DEC)...

GENERAL INFORMATION

Continued from 4/24/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Amended 1st & final account and petition for fees
and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Summary of account is incomplete as it only contains the charges and not the credits calculations. Furthermore, there is not a schedule of Assets on Hand schedule. Therefore, it cannot be determined whether or not this accounting balances. Need to file proper accounting to comply with Pr.C. §1060
2. Summary of account schedule indicates no disbursements have been made. However, the report indicates a creditor claim in the amount of \$18,605.86 is paid. Need schedule of disbursements.
3. Statutory fees are \$496.00. Calculation ok.
4. Petitioner requests reimbursement of \$1,375.00 for costs advanced. Itemized.
5. Attorney requests reimbursement of \$1,115.91 for costs advanced. Itemized.

RECOMMENDATION:

Need to clear notes. If approved, court to set hearing re filing receipts and final discharge
for **6/4/09**.

(kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700109

CASE NAME: GODDARD TRUST dated June 4,1993

SEE ALSO 4

HEARING:

Hearing Re: ORDER DETERMINING INTEREST IN REAL/PERSONAL PROP..

COUNSEL:

J. ELLEN SCHONFELD (PET)...JAMES B CHURCH
MIRIAM GODDARD (RES)...ANN MARIE ZIMMERMAN

GENERAL INFORMATION: **continued from 3/6/08. Court instructs Attorney Zimmerman to file a brief addressing why the issues of the Demurrer should be heard before any other issues.**

THIS CASE IS SET FOR HEARING ON Petition for Order Determining Interest in Real Property, Breach of Fiduciary Duty, Constructive Trust, Negligence and Fraud

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of personal service on Miriam Goddard per Pr.C. §851 (only mailed service is given).
2. Petitioner is the Trustee of the Goddard Trust dated 6/4/93 (1993 Trust). Petitioner alleges that the original trustors of the Goddard Trust were Dan Roderick Goddard and Geraldine S. Goddard. Geraldine died on 12/7/93. Dan Goddard subsequently married Miriam Goddard on 12/24/96. On 7/29/97, Dan Goddard transferred real property known as 7729 Bolero Drive, Riverside, to himself and Miriam. Dan and Miriam Goddard established a Trust Agreement called the Dan and Miriam Goddard Living Trust dated 9/22/99 (1999 Trust). Also on 9/22/99, Dan Goddard transferred the real property from the 1993 Trust to the 1999 Trust. Dan Goddard died on 1/2/00. Petitioner claims that the 1993 Trust is the rightful owner of the Bolero Drive property and petitioner requests the return of the property to the 1993 Trust. In addition, petitioner alleges Dan Goddard breached his duty to the 1993 Trust by transferring the real property to the 1999 Trust. Miriam

Goddard is the surviving Trustee of the 1999 Trust and holds title to the Bolero Drive property. There is a fair market rental value for the property. Petitioner requests that a constructive trust be imposed as an equitable remedy to prevent a party in possession of the property from being unjustly enriched. Petitioner requests that the property be returned to the 1993 Trust, together with any rental income obtained. Furthermore, petitioner alleges Dan Goddard committed fraud or misrepresentation when he transferred the property without properly disclosing the 1993 interest in the real property. Finally, petitioner requests reasonable attorney's fees.

3. **Opposition filed by Miriam Goddard by Demurrer to verified complaint.**
4. **Points and Authorities are filed addressing Court's Inquiry re appropriateness of Demurrer.**

RECOMMENDATION:

Need notice (note 1). Judge to decide on Demurrer.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700559

CASE NAME: DORIS I WADE

HEARING:

Motion re: TO BE RELIEVED AS COUNSEL filed by Petitioner CHARLES
CRHA

	COUNSEL:
CHARLES CRHA	(PET)...PATRICK J. SILVA
DORIS I WADE	(DEC)...

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700638

CASE NAME: DAN AND MIRIAM GODDARD LIVING TRUST

SEE ALSO 2

HEARING:

Petition for TO COMPEL A TRUSTEE TO ACCOUNT FOR TRUST AND REPORT
THE ACTIONS OF THE TRUSTEE

COUNSEL:

J ELLEN SCHONFELD (PET)...JAMES B CHURCH
MIRIAM E GODDARD (RES)...ANN MARIE ZIMMERMAN

GENERAL INFORMATION **continued from 3/17/08 to be heard with related matter
(matter 2-PROPS0700109).**

THIS CASE IS SET FOR HEARING ON petition to compel trustee to account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a beneficiary of the trust and brings this petition pursuant to Pr.C. §§ 16062 and 17200.
2. On 9-22-99 Dan Goddard and Miriam Goddard entered into the Dan and Miriam Goddard Trust. Although not adequately explained in the petition there appears to have been another trust created in 1993 called the Goddard Trust.
3. In 1997 Dan transferred real property to Dan and Miriam by grant deed. Then on 9-22-99 Dan, as trustee of the Goddard Trust, transferred real property from the 1993 trust to the 1999 trust. Dan died on 1-2-00.
4. There is currently pending a hearing concerning the 1993 trust in file PROPS0700109. The property involved in that matter is the same real property that is the subject of this petition.
5. Petitioner requests that the court order Miriam Goddard to account. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7)). Here the petitioner alleges that accountings have been requested on several occasions and the first request was made more than 6 months ago and no

accounting has been provided. Petitioner does not allege that written demand was made and that no report was submitted within 60 days of the written demand. The pleading is therefore insufficient to allow the court to grant the request pursuant to the code.

6. It should be noted that the court has denied petitioner Schonfeld's application for a determination that the petition to compel a trustee to account for a trust and report the actions of the trustee does not violate the terms of the no-contest clause of the trust. See minute order of 1-7-08.
7. Petitioner also requests pursuant to Pr.C. § 17200(b)(6) that the court review the trust and instruct the trustee as to what assets should be placed into the irrevocable trust at the death of Dan and which assets in the trust would be left in the revocable portion of the trust. The primary asset of concern is the real property that is at issue in the litigation concerning the other trust mention in note 4 above. Petitioner wishes the court to instruct on the split of the assets into separate and community property, as there has been no accounting of the split. Petitioner alleges that the Dan and Miriam Trust should have its own Employer Identification Number. Petitioner also requests information on when and at what value the real property was placed into the decedent's trust. Petitioner further requests that the trustee provide notice of irrevocability as required by Pr.C. § 16061.
8. Notice appears to be sufficient.
9. **Opposition filed by Miriam Goddard alleging Ellen Schonfield lacks standing and is not entitled to an accounting.**

RECOMMENDATION:

Set for contested hearing.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700771

CASE NAME: EDMUND A PEREIRA

HEARING:
Petition for TO DETERMINE VALIDITY OF CODICIL

COUNSEL:
PAULETTE QUINTAL (PET)...ROGER VON KAESBORG
EDMUND A PEREIRA (DEC)...

GENERAL INFORMATION:

Continued from 4/17/08. Court indicated it would approve the petition to determine validity of codicil and court continued matter for counsel to prepare and submit order

THIS CASE IS SET FOR HEARING ON Petition to Determine Validity of Codicil

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to submit proposed order.

RECOMMENDATION:

Court's discretion.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800075

CASE NAME: JAYLIN WARE SPECIAL NEEDS TRUST

HEARING:
Petition for ALLOWANCE OF SPECIAL NEEDS TRUST

COUNSEL:
WELLS FARGO BANK, N.A. (TEE)...RUSSAKOW, RYAN, & JOHNSON

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Allowance of Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner/Wells Fargo Bank is the Trustee of the Jaylin Ware Special Needs Trust established 12/21/06 (SCVSS120814) and the trust was initially funded with a settlement of \$337,461.90. After appointment as trustee, the trustee was contacted by the beneficiary's mother requesting a trust distribution for a vehicle. Specifically a 2008 Nissan Armada for the total purchase price of \$41,459.16. Because of the size of the proposed distribution, petitioner seeks authority to make a distribution of \$42,000 for the purchase of the vehicle. The vehicle is essential for the beneficiary's disability by accommodating several pieces of large equipment necessary for the beneficiary. The new vehicle will also accommodate a wheelchair as well as allowing beneficiary's mother to lift the beneficiary into the car seat without physical challenges. Article II Section 2 of the Trust provides that the trustee may distribute from the fund to or for the beneficiary such sums and at such times as the trustee determines appropriate for the beneficiary's special needs.
2. Attorney requests fees in the preparation of this petition of \$3,162.50. Billed at \$275/hour for 5.5 hours, including 6 additional hours for preparation, traveling and attending the hearing on this matter. Itemized. JTD
3. Petitioner has paid \$180.00 for the filing of this petition.

RECOMMENDATION:
Court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800379

CASE NAME: MILTON GRENFELL SMITH

HEARING:
Petition to determine succession to Real Property

COUNSEL:	
ISMA BROWN	(PET)...BETTY AUTON-BECK
GARY MICHAELS	(PET)...BETTY AUTON-BECK
MARTA SMITH	(PET)...BETTY AUTON-BECK
MILTON GRENFELL SMITH	(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners each claim a one-third ownership interest in decedent's real property located at 3620 Lindsay Street, Riverside, CA. Petitioner alleges the decedent was a resident of San Bernardino County at the time of death and thus, this court is the proper jurisdiction.

RECOMMENDATION:

Court's discretion. If approved, no need to set future dates.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800387

CASE NAME: THE BRANDI LYNNE MARIE ANDREOLA SPECIAL NEEDS TRUS

HEARING:

Petition for ORDR TO ESTABLISH SPECIAL NEEDS TRUST FOR BRANDI
LYNN MARIE ANDREOLA

COUNSEL:

ANTHONY J ANDREOLA (PET)...DENNIS M SANDOVAL
TROI A ANDREOLA (PET)...DENNIS M SANDOVAL

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800389

CASE NAME: JOHN MARTIN FOWLER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JOHN M FOWLER JR	(PET)...	THOMAS W DOMINICK
RUSSELL E FOWLER	(PET)...	THOMAS W DOMINICK
JOHN MARTIN FOWLER	(DEC)...	

GENERAL INFORMATION:

Special Letters of Administration issued 4/28/08

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both petitioners/residual heirs have waived bond. JTD
2. Need to file proof of publication.
3. Petitioner has paid the filing fee of \$385.00, which includes a graduated filing fee of \$65.00. Note: Revised Judicial Council form Petition for Probate (DE-111) effective 3/1/08.

RECOMMENDATION:

RFA subject to note 2. If approved, court to set hearing on filing inventory and appraisal for 12/18/08. Set hearing on Accounting Review for 7/30/09. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800393

CASE NAME: ORA M TWINE

HEARING:
Petition to determine succession to Real Property

COUNSEL:
ALPHONSO H TWINE (PET)...THOMAS W DOMINICK
ORA M TWINE (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner claims a 100% ownership interest in decedent's undivided 1/4 interest in real property at 216 W. 83rd Street, Los Angeles, pursuant to the terms of decedent's Will.
2. No objections are filed at the time of the review of this file.

RECOMMENDATION:
Court's discretion.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800394

CASE NAME: BARBARA GENE BLAKE

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

CARY O'NEAL (PET)...HORSPOOL & PARKER
BARBARA GENE BLAKE (DEC)...

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05923

CASE NAME: MTR OF RICHARD D MC CLOUD

HEARING:

FINAL Account and Report of CHARZETTE L MC CLOUD and Petition
for allowance of fees filed.

COUNSEL:

CHARZETTE L MC CLOUD (PET)...PRO/PER
RICHARD D MC CLOUD (DEC)...
DAVID BACA (TP)...DAVI A HUFFAKER
DEANE MCCLOUD (JOSEPH L STROHMAN)...JOSEPH L

GENERAL INFORMATION: continued from 10/4/07, 11/29/07, 1/24/08 and 4/10/08 to clear calendar notes. Nothing new filed. At last continuance, court ordered petitioner's personal appearance at next hearing.

THIS CASE IS SET FOR HEARING ON Amended Final Report and Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. There is no allegation regarding creditor's claims, whether any were filed, allowed and/or rejected; what efforts were made to ascertain what creditors had claims, if any, etc., File verified supplement.
3. There is no proposed distribution clause. It would appear that decedent left three children, who would be decedent's only heirs at law, two of whom are minors (note: decedent's son was 16 at the time of the filing of the petition for administration – he could technically now have attained majority). File verified supplement as to proposed distribution.
4. The accounting is defective. There is no summary of account. Petitioner alleges there is no property on hand. However, the real property sold on 1/18/06 for a gain of \$90,000. How is it that there are no funds on hand available for distribution? From the figures itemized, it appears that the

accounting is out of balance by approximately \$75,000. File verified supplement.

5. On receipts, there are two entries "funds to Charzette McCloud" one from Kayla McCloud's share of her inheritance for \$5,000 and the other from Nathan McCloud's share of his inheritance for \$2,500. Question what this entry means and why these two heirs are giving/loaning these funds to petitioner? File verified supplement.
6. As the property sold during the administration of the estate, need copy of escrow closing statement. Please file same.
7. On disbursements, there are several expenditures for food items, clothes, tires for a vehicle, car towing, beauty shop, furniture purchase, rent deposit and advance of six month rent (\$12,000), etc., which do not appear to be appropriate costs of administration. Additionally, there is no vehicle listed as an asset of the estate. These items total \$53,735.98. Court may wish to require petitioner to explain why these items were paid from the estate. Need verified supplement. Alternatively court may wish to require petitioner to reimburse the estate for these expenditures.
8. On disbursements, there are distributions to Kayla for \$27,826.56, Nathan for \$20,326.56 and Dean McCloud-loan to Richard for \$25,000. Who is Dean McCloud and what was the purpose of the loan? Are the payments to Kayla and Nathan for preliminary distributions? There is a third minor beneficiary, Katrina who has received nothing. Thus, it would appear that if the payments to Kayla and Nathan are distributions, they are unequal distribution and are (1) improperly made without court order and (2) not in accord with the laws of intestacy per Pr.C. §6402(a) in that they are not equal distributions. Need verified supplement together with receipts from Kayla, Nathan and Dean.
9. There is no allegation re notice to Department of Health Services. Need same and whether DHS will be filing a claim.

RECOMMENDATION:

Need to clear notes.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06711

CASE NAME: EST OF GUSTAVO H ZALDIVAR

HEARING:

FIRST AD FINAL Account and Report of MARIA ZALDIVAR and Petition
for allowance of fees filed.

COUNSEL:

MARIA ZALDIVAR (PET)...GREGORY A. PAIVA & ASSOCIATES
GUSTAVO H ZALDIVAR (DEC)...
HEIR BUYOUT COMPANY (TP)...

GENERAL INFORMATION:

Continued from 5/24/07, 6/28/07 and 8/23/07 at request of counsel. Nothing new filed.
Continued from 10/4/07 to review supplement filed.

Last continued from 11/29/07, 1/31/08 and 3/27/08 to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for final distribution upon waiver of
accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive accounting.
2. Petitioner makes no request for compensation.
3. Attorney requests \$7,060 statutory fee. Petitioner waives fees. Ok.
4. Petitioner requests reimbursement of costs advanced of \$62,459.87. Itemized.
As part of the costs, petitioner paid 40 months of mortgage payments claimed at
\$1,177.24. Question if this is half of the mortgage payment? If it is for the full
mortgage payment, question authority to claim full amount as petitioner alleges
the whole of the estate is the community property of decedent? **Supp:**
**Although title to the real property was held in decedent's name as a
married man, petitioner alleges she should not be excluded from the
community property interest. Petitioner used her separate property
income to make mortgage payments, pay taxes, insurance and maintain
the property. Petitioner believes she should be reimbursed the full**

amount of the payments due to the fact that all payments were made with her separate property income. JTD.

5. Petitioner alleges in order to have funds with which to make distribution to the heirs, petitioner has filed and served a Notice of Proposed Action to refinance the real property to have the cash necessary to make distributions and to reimburse administrator for monies paid out to cover the expenses and costs. Need copy of notice of proposed action and proof of service. It appears petitioner does not intend to distribute the real property (the only estate asset) in kind and instead make cash-equivalent distributions to the children (equal to the two-thirds intestate distribution). The petition does not indicate, but question if petitioner proposes to keep the real estate? (File verified supplement). Thus, buying out the other heirs' interest? If so, need a reappraisal for sale as petitioner is, in effect, purchasing the real property from the other heirs and the appraisal is more than a year from date of death. Alternatively, if heirs agree to distribution buy-out purchase price, need consent to proposed action (and as one of the heirs is a minor consent would need to be signed by a Guardian ad litem). **Supp: Copy of Notice of Proposed Action is filed. Petitioner is the mother of minor beneficiary and believes it is in minor's best interest to retain the house. Upon approval of the accounting the minor's funds will be placed in an interest bearing account where they will remain until minor attains majority. Court may wish to require Reappraisal for Sale as petitioner is buying out the other heirs. Current appraisal is date of death appraisal , or 4/30/2003. JTD**
6. Petitioner requests \$100 reserve for closing expenses. Ok.
7. Need Graduated Filing Fee Schedule per CRC Rule 7.552. Petitioner has now filed this document. Filing fees are determined based on the value of the estate at the time of filing the petition for probate, not the time of the filing of the petition for first and final or the time of the filing of the inventory and appraisal. Petitioner based the calculation on the 2006 rates and not the 2005 rates. Petitioner has therefore overpaid fees by \$38.50. Court will have to order this amount reimbursed.

RECOMMENDATION

Court's discretion re notes 4-5. Estate is owed a refund of filing fees in the amount of \$38.50. If approved, court to set hearing on filing receipts and final discharge for 5/28/09. (/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06953

CASE NAME: EST OF WILLIE MAE GRANT

HEARING:

first/current Account and Report of BETTY J GRANT and Petition
for allowance of fees filed.

COUNSEL:

BETTY J GRANT (PET)...JAMES B CHURCH
WILLIE MAE GRANT (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER
DOROTHY M DIXON (DUANE P BOOTH)...DUANE P B

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for its
Settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 4/18/06 (full authority, no bond)
2. Petitioner alleges the estate is in a position to be closed. However, there is a pending claim from Dept. of Health Services as well as real property to sell. Question how much time petitioner is requesting to conclude the estate administration? File verified supplement.
3. Petitioner alleges a request for statutory compensation will be made at the time of the filing of the final account.
4. Attorney alleges that a request for statutory fees, including a request for allocation of those fees to Attorney Robert Witt (petitioner's former attorney), will be sought at the time of the filing of the final accounting.

RECOMMENDATION:

Need to clear note 2.
(gls)

Superior Court of Calif, County of San Bernardino

Page: 15

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07005

CASE NAME: MTR OF JACK LESLIE SIMMONS

HEARING:

Petition for ORDERS AUTHORIZING PETITIONER TO SELL REAL PROPERTY

COUNSEL:

DOROTHY M DIXON (PET)...DUANE P BOOTH
BETTY J GRANT (OBJ)...JAMES B CHURCH
OTIS GRANT (JAMES B CHURCH)...JAMES B C

GENERAL INFORMATION **continued from 4/17/08. Attorney Flory to file written response by 5/15/08.**

THIS CASE IS SET FOR HEARING ON Petition to sell real property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. On 6/26/07 matter came on for Status conference. Court and counsel conferred and settlement reached in that Otis and Betty Grant would obtain a loan of \$100,000 to pay off petitioner according to the fair market value. Petitioner alleges that the court granted Otis and Betty 6 months to complete the agreement and that the 6 months has elapsed; however, the settlement agreement in the file does not state a given completion date.
2. Petitioner requests that the tenant be required to pay rent and for the personal representative to pay the probate referee to determine the rental value.
3. Petitioner requests that the court authorize petitioner to take exclusive possession of the real property, evict the present occupants, and list the property for sale, so that from the escrow petitioner shall pay to herself \$100,000 plus 50% of the FMV and that after all the fees and costs are paid the remaining funds in escrow are distributed to Otis and Betty Grant.
4. **Need Attorney Flory's written response.**

RECOMMENDATION:

Court's discretion

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07175

CASE NAME: EST OF ROBERTA LYNN LOPEZ

HEARING:

Petition for DISTRIBUTION ON WAIVER OF ACCOUNT AND FOR WAIVER OF
STATUTORY COMMISSION

COUNSEL:

FRANK LOPEZ (PET)...PRO/PER
ROBERTA LYNN LOPEZ (DEC)...

GENERAL INFORMATION:

Continued from 3/6/08. Court instructs petitioner to file a supplement with a declaration that states Citibank claim was paid. Supplement to be filed before next court date. Nothing new filed.

Last continued from 4/17/08. No appearance.

THIS CASE IS SET FOR HEARING ON Petition for Distribution on Waiver of Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. Petitioner alleges there were no claims filed against the estate. However, a claim by Citibank was filed on 3/1/07 in the amount of \$3,202.00. Need an allowance/rejection. Alternatively, if petitioner has paid this claim, need verified supplement to indicate the date/amount that was paid.

RECOMMENDATION:

Need to clear note 3. If approved, court to set hearing on filing receipts and final discharge for 5/28/09.
(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07205

CASE NAME: ESTATE OF VIVIAN ENGBLOM-CHRISTENSEN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CHRISTIAN CHRISTENSEN (PET)...ROBERT G MCCOY JR
VIVIAN ENGBLOM-CHRISTENSEN (DEC)...
ELISABTH STEVENS (PET)...THOMAS DOMINICK
ELISABETH STEVENS (OBJ)...FULLERTON LEMANN SCHAEFFER & D
ELISABETH STEVENS (FULLERTON LEMANN SCHAEFFER &
D)...FULLERTON

GENERAL INFORMATION:

Letters of Administration C.T.A. issued 11/15/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory is filed.

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS07297

CASE NAME: ESTATE OF DAVID CLARK DEROO

HEARING:

FIRST AND FINAL Account and Report of JEANETTE L VON KAESBORG
and Petition for allowance of fees filed.

COUNSEL:

DOUGLAS C DEROO (PET)...GUAY P WILSON
JEANETTE L VON KAESBORG (PET)...GUAY P WILSON
BRIAN C DEROO (PET)...GUAY P WILSON
DAVID CLARK DEROO (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners, as co-executors, waive statutory compensation.
2. Attorney requests statutory fees of \$18,055.00. Ok.
3. Petitioners have included a graduated filing fee statement indicating an additional \$150.00 is due. However, no further graduated filing fee is due.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 5/28/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS002547

CASE NAME: MATTER OF BURCHAM FAMILY TRUST

HEARING:
Readiness Calendar

	COUNSEL:
DEAN WELCH	(PET)...FULLERTON LEMANN SCHAEFFER & D
DARON WELCH	(PET)...FULLERTON LEMANN SCHAEFFER & D
ALAN W BURCHAM	(DEC)...
LAURA E BURCHAM	(DEC)...
NATASHA WELCH	(OBJ)...WILLIAM M NASSAR & ASSOCIATES

No calendar notes – Readiness Calendar

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 9:00 DEPT: E1

CASE #: VPRVS01815

CASE NAME: ESTATE OF VIRGINIA K CAREL

HEARING:
Readiness Calendar

COUNSEL:
SHARON K STATON (PET)...PRO/PER
VIRGINIA K CAREL (DEC)...
LARRY R CAREL (PET)...MICHAEL H ELAM
DEPT OF HEALTH SERVICES (TP)...

No calendar notes – Readiness Calendar.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00540

CASE NAME: ANNA H EBARAHIMZADEN
ALSO SEE 22-24
HEARING:
Hearing Re: ACCOUNTING/TRIAL BRIEFS/INTERPRETER/STATUS.

COUNSEL:
MABEL H EBRAHIMZADEN (PET)...LAYNE
ANNA H EBARHIMZADEN (PCE)...MITCHELL I ROTH
ANNA H EBRAHIMZADEN (OBJ)...PRO/PER
WALTER EBRAHIMZADEN (PRO/PER)...PRO/PER

COMPANION FILE: Case #RCRS00544
GENERAL INFORMATION **continued from 11/29/07, 2/14/08 and 4/24/08.**

THIS CASE IS SET FOR HEARING ON accounting/trial brief/interpreter/status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter involves competing petitions for conservatorship. A mandatory settlement conference was held on 7-17-07. The parties were not able to reach a settlement.
2. Court ordered an accounting to be filed by 10-5-07 to cover the dates of 10-5-05 through 4-07. **Accounting filed (in case #RCRS00544 – see page 26)**
3. Court has ordered the Court Investigator to interview the Conservatee and submit a report of that interview. Do not see report in file.
4. No trial briefs have been filed.

RECOMMENDATION:
Court's discretion. Court may wish to consolidate the two files.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00540

CASE NAME: ANNA H EBARAHIMZADEN
ALSO SEE 21-24

HEARING:
Petition for FOR PAYMENT OF ATTORNEY'S FEES TO COURT APPOINTED
COUNSEL

COUNSEL:
MABEL H EBRAHIMZADEN (PET)...LAYNE
ANNA H EBARHIMZADEN (PCE)...MITCHELL I ROTH
ANNA H EBRAHIMZADEN (OBJ)...PRO/PER
WALTER EBRAHIMZADEN (PRO/PER)...PRO/PER

GENERAL INFORMATION: **continued from 4/24/08**

THIS CASE IS SET FOR HEARING ON Petition for Payment of Attorney's Fees to Court
Appointed Counsel, Attorney Roth

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney requests fees of \$19,738.50 for services rendered during the period 5/10/06 – 3/11/07 totaling 70.10 hours. Billed at \$280/hour. Counsel alleges that this conservatorship matter has been very difficult due to family tension and language barrier. Counsel has also had to testify in criminal elder abuse proceedings during this period. Attorney requests that the conservator be authorized to pay such fees or alternatively, counsel have authority to place a lien against the conservatee's interest in real property.
2. Objections have been filed by petitioner.
3. Response to objections filed by proposed Conservatee.

RECOMMENDATION:
Court's discretion.
(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00544

CASE NAME: ANNA A EBRAHIMZADEN
ALSO SEE 21-24

HEARING:
Hearing Re: MOTION RE: DISCHARGE OF TEMPORARY CONSERVATOR.

COUNSEL:
ANNA H EBRAHIMZADEN (PET)...PRO/PER
WALTER EBRAHIMZAD (PCR)...
ANNA H EBRAHIMZADEN (PCE)...
MABEL H. EBRAHIMZADEN (PET)...NOLAN F KING

No notes – Opposition filed, Judge to decide.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00544

CASE NAME: ANNA A EBRAHIMZADEN
ALSO SEE 21-24

HEARING:
Hearing Re: Status.

COUNSEL:

ANNA H EBRAHIMZADEN	(PET)...PRO/PER
WALTER EBRAHIMZAD	(PCR)...
ANNA H EBRAHIMZADEN	(PCE)...
MABEL H. EBRAHIMZADEN	(PET)...NOLAN F KING

GENERAL INFORMATION:

Continued from 2/14/08. Court orders parties to contact Dr. James Spar from UCLA to conduct examination, or alternatively, Dr. Randolph. Court denies ex parte request for removal of conservator's counsel. Court reissues T.R.O. to next hearing date.

Last continued from 4/24/08.

THIS CASE IS SET FOR HEARING ON Status/730 Evaluation

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At hearing on 1/29/07, court orders an examination under Evidence Code Section 730 as to Anna Ebrahimizadeh. Attorney King to supply the translator.
2. Report of Dr. James Spar filed. However it does not appear to be a 730 evaluation.

RECOMMENDATION:

Find out status of 730 Evaluation/report.
(gls/cbr/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00544

CASE NAME: ANNA A EBRAHIMZADEN
ALSO SEE 21-23

HEARING:
Petition for FOR APPROVAL OF ACCOUNTING

COUNSEL:

ANNA H EBRAHIMZADEN (PET)...PRO/PER
WALTER EBRAHIMZAD (PCR)...
ANNA H EBRAHIMZADEN (PCE)...
MABEL H. EBRAHIMZADEN (PET)...NOLAN F KING

GENERAL INFORMATION

On 7/17/07 court orders an accounting for the period of 10/5/05 – 4/07.

Continued from 11/29/07, 2/14/08 and 4/24/08 to file proper accounting.

THIS CASE IS SET FOR HEARING ON Petition for approval of accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need notice of hearing on conservatee per Pr.C. §2621.
2. Accounting period covers October 2005 – present. Question the ending date of this accounting period. File verified supplement.
3. There is no summary of account or supporting schedules. It cannot be determined whether or not this accounting balances. Need to file proper accounting to comply with Pr.C. §1060.
4. Need statement re compensation paid, whether all cash has been invested in interest bearing accounts, family or affiliate relationship between the fiduciary and any agent hired by the fiduciary, and request for approval. (Pr.C. § 1064). File verified supplement.
5. **Objections filed by conservatee (in companion file #RCRS00540) through conservatee's counsel. Objections state that accounting does not comply with proper accounting methods as set forth in Pr.C. §1061 et seq.**

RECOMMENDATION:

Need proper accounting and set for contested hearing. Court may wish to consolidate the two files.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: SC SS02922

CASE NAME: MTR RE FLORIAN WILLIAM DIRMANN

HEARING:

SECOND Account and Report of MELODIE Z SCOTT and Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT (CPE)...E. JOAN NELMS
FLORIAN WILLIAM DIRMANN (CEP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:

Accounting covers period: 8/1/06 – 11/30/07

Assets on hand: \$1,056,363.18 (real property with a carry value of \$939,000, \$116,917.77 in cash and the balance in life insurance)

Continued from 4/10/08 at request of counsel to clear notes.

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$12,013.70. Billed at various rates for various services not exceeding \$105/hour for a total of 180 hours (or 12 hours/month). Itemized. JTD
2. Attorney requests fees of \$4,586.44. Billed at \$275/hour for attorney time and \$55-\$75/hour for paralegal time. Itemized. Counsel itemizes and charges for services rendered from 9/12/06 – 1/22/07 (i.e., review CI report, conference with client re title & deeds re loan, status review, court appearance on accounting and accounting review). These services total \$852.50 and were itemized on the prior accounting which the court approved on 4/23/07. These fees are duplicative and the attorney fee request of \$4,586.44 should be reduced by \$852.50. Also, the services include "postage" of \$7.44 which is not allowable per Pr.C. §20-1406(f). The court may wish to allow \$3,726.50. JTD

3. Petitioner requests authority to increase bond to \$377,000 (a total increase of \$157,000).
4. The accounting incorporates both the conservatorship assets and trust assets. It is not clear which assets belong in the conservatorship and which assets in the trust. Court may wish to instruct petitioner to file an amended accounting (1) for the conservatorship estate and (2) for the trust estate.
5. On receipts on 6/1/07, petitioner deposited "proceeds from sale of furniture (Mr. Bellue)" in the amount of \$425.00. Question whether petitioner informed conservatee's family members to give them the first opportunity to acquire the personal property per CRC 7.1059(b)(17)? File verified supplement.
6. On disbursements there is a lump sum payment to Tuparan Residential Care of \$17,399.86. Need itemization for specific months this payment covered. Also need monthly obligation. File verified supplement.
7. Petitioner alleges there was no family or affiliate relationship (page 7, lines 4-6 of the petition). However, petitioner paid Jenny Plant (petitioner's sister) and/or "Plant & Associates" a total of \$8,560.75 for property repairs and maintenance including "complete liquidation-Briarwood." What does this mean? Need amended petition with disclosure of family relationship with proof of service per CRC 7.1059(a).
8. On 11/6/07, petitioner paid off the mortgage loan to 1st Centennial Bank in the amount of \$175,952.66. Need copy of payoff demand.
9. As real property on Briarwood sold during accounting period, need original escrow closing statement per Pr.C. §2620(c)(4).
10. Lance Riley performed real property professional services during the accounting period totaling \$5,641.25. However, petitioner charges for the following real property services and question if the services are duplicative? File verified supplement:
 - (a) 8/9/06 – travel to rentals, met and approved clean up 4.2 hours, or \$399. Lance Riley charges \$277.50 for 8/06 real property services.
11. On 8/7/06, petitioner reimburses telephone charges of \$18.82. This is not a reimbursable expense per local rule 20-1406(f). Court may wish to require petitioner to reduce her fee by \$18.82. JTD
12. Need Court Investigator's biennial report.

RECOMMENDATION:

Need to clear notes.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03130

CASE NAME: MTR OF CHARLES T. THOMPSON

ALSO SEE 26A

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

CHARLES THOMPSON JR	(CPE)...	KARIN HORSPOOL
CHARLES T. THOMPSON	(CEP)...	DONNASUE SMITH-ORTIZ
VANESSA L ROLLAND	(OBJ)...	PRO/PER

COMPANION FILE CON600069

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: SC SS03130

CASE NAME: MTR OF CHARLES T. THOMPSON

ALSO SEE 26

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

CHARLES THOMPSON JR	(CPE)...KARIN HORSPOOL
CHARLES T. THOMPSON	(CEP)...DONNASUE SMITH-ORTIZ
VANESSA L ROLLAND	(OBJ)...PRO/PER

COMPANION FILE CON600069

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 10:30 DEPT: E1

CASE #: VC VS00535

CASE NAME: MATTER OF ETHEL LINCOLN BOOKER

HEARING:
Accounting Review

COUNSEL:
STACY LEATRICE BOOKER (PET)...HORSPOOL & PARKER
ETHEL LINCOLN BOOKER (CPE)...

GENERAL INFORMATION

Continued from 12/5/07, 2/7/08 and 4/10/08 at request of counsel.

THIS CASE IS SET FOR HEARING ON
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate granted 9/22/06.
2. Court Investigator report filed 1/30/08 for court's review.
3. No accounting filed.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **MISC.**

DATE: 05/29/08 TIME: 1:30 DEPT: E1

CASE #: FAMSS704896

CASE NAME: NORA LUCIA GRIEGO-V-TERRI KAYE THOMPSON GRIEGO
ALSO SEE 28-31

HEARING:
Hearing Re: VALIDITY OF MARRIAGE.

COUNSEL:
NORA LUCIA GRIEGO (PET)...THEODORE C BEALL
TERRI KAYE THOMPSON GRIEGO (RES)...BANKS GARCIA & JANIS

RFL19919

GENERAL INFORMATION:

No calendar notes as this is on for Family Law Matter re Validity of OSC re Judgment of Nullity filed by Nora Lucia Griego on 12/6/07

Case transferred from Dept. S10 to be heard with probate case PROPS0700961

Continued from 3/24/08

(kra/gls)

FUTURE DATES: 7/2/08 Case Management Conference

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 1:30 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO

ALSO SEE 28-31

HEARING:

Mandatory Settlement Conference

COUNSEL:

JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...BANKS GARCIA & JANIS
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C BEALL)...LAW OFFIC

No notes – Mandatory Settlement Conference

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 1:30 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO
ALSO SEE 28-31
HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:	
JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...BANKS GARCIA & JANIS
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C BEALL)...LAW OFFIC

GENERAL INFORMATION

There are 3 competing petitions for administration and for special administration. Continued from 11/20/07 Court's previous order regarding restraining order to remain in effect. Parties to contact Craig Parker regarding special administrator. If Craig Parker to accept Special Administrator, an Ex-parte petition is to be filed.

Last continued from 3/24/08 – Mandatory Settlement Conference also before the court this date.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority filed **by Jennifer and Rhio Griego**. (see page 31 for other two competing petitioners)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There are 2 women, Terri and Nora, who claim to be the surviving spouse of the decedent. Terri provided Jennifer and Rhio with a declination to act. Terri then filed an opposition to their petition alleging that they were using the decedent's credit cards. Terri was apparently the first wife and Nora the second and each has filed a

petition to administer the estate. Court will have to determine if either person is in fact the surviving spouse of the decedent.

2. Petitioners request bond of \$740,000. Based on the information in the file amount appears adequate.
3. Objections have been filed by Nora Griego and responses to objections have been filed. It should be noted that the allegations are that the petitioners are either embezzling or wasting the assets of the estate. This is grounds for removal. If the court were to find that grounds for removal in fact exist then the court could refuse to appoint these individuals.
4. Objections filed by Terri Griego indicating objector is the surviving spouse, has a higher priority and that petitioners Rhio and Jennifer have allowed decedent's assets to be moved out of state.

RECOMMENDATION:

Require correction of notes. Court will then have to determine if either Terri or Nora are the surviving spouse. If either of them are the surviving spouse then they are entitled to priority. (See notes on following page (matter #31).)

(/KRA/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 05/29/08 TIME: 1:30 DEPT: E1

CASE #: PROPS0700961

CASE NAME: LEONARD GRIEGO

ALSO SEE 28-31

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JENNIFER GRIEGO	(PET)...PRO/PER
RHIO GRIEGO	(PET)...PRO/PER
LEONARD GRIEGO	(DEC)...
CRAIG M PARKER	(SPA)...HORSPOOL & PARKER
TERRI GRIEGO	(PET)...BANKS GARCIA & JANIS
TERRI GRIEGO	(OBJ)...BANKS GARCIA & JANIS
MARTIN I SCHNEYER	(PRO/PER)...PRO/PER
NORA L GRIEGO	(LAW OFFICE OF THEODORE C BEALL)...LAW OFFIC

GENERAL INFORMATION These are competing petitions with the petition on the preceding page.

Continued from 11/20/07 Court's previous order regarding restraining order to remain in effect.

Continued from 1/7/08. Court appoints Craig Parker Special Administrator.

Last continued from 3/24/08 – Mandatory Settlement Conference also before the court this date.

THIS CASE IS SET FOR HEARING ON

- Competing Petition to administer, with full I.A.E.A. authority **by Terri Griego.**
- Competing Petition to administer, with limited I.A.E.A. authority **by Nora Griego.**
- See prior page 30 for third competing petitioner.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition by Terri Griego

1. See notes on preceding page re issue of who the surviving spouse might be.

2. Petitioner requests bond in the amount of \$60,000. Based on the fact that the petitioner seeks full Independent Administration of Estates Act powers bond must be for the full value of the property. Court will have to determine amount. Petitioner herein alleges that property is valued at \$660,000. Other petitioners say the value is \$740,000.

Petition by Nora Griego:

3. Need proof of publication.
4. Petitioner requests bond in the amount of \$535,000. Based on the fact that the petitioner seeks Limited IAEA powers, bond may be set bond at not more than the estimated value of the personal property and the probable annual gross income of the estate. The estimated value of personal property and annual income is \$79,000. Court to determine amount of bond.
5. Item 9 of the petition is incomplete. Need verified supplement.

RECOMMENDATION:

Competing petitions are contested and need to be set down on the contested calendar. Court will first have to determine if either Terri or Nora are the surviving spouse of the decedent. (See notes on FAMSS704896 (matter #1).) If so, the surviving spouse has priority. If neither is the surviving spouse then Jennifer and Rhio would have priority over them, but not over their siblings. The siblings have not filed petitions and court could find that they have waived their right by failure to file. However, the court will also have to determine if the allegations against Jennifer and Rhio are true. If so, they could be precluded from acting.

If approved, set future hearings for filing of Inventory & Appraisal on 1/8/09 and for Accounting Review on 8/6/09. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(/KRA/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600322

CASE NAME: LUTHARD J AGRE TRUST UTD AUG 25, 1997

HEARING:
Hearing Re: STATUS CONFERENCE/ACCOUNTING REVIEW.

COUNSEL:

JUDITH L AGRE	(PET)...	JOSEPHINE A. RICH
LESLIE D AGRE	(TP)...	BETTY AUTON-BECK
LARRY P AGRE	(BETTY AUTON-BECK)...BETTY AUT
LAVONNE M LIPSCOMB	(BETTY AUTON-BECK)...BETTY AUT

GENERAL INFORMATION:

On 7/25/07, the parties reached a settlement on the Trust issues and court set this review. Continued from 10/25/07. No appearance.
Continued from 12/13/07. Counsel states that by previous stipulation an accounting was waived by all heirs but that a current account is now needed. Court orders counsel to file an accounting or status report.

Last continued from 1/31/08 at request of counsel. House sale still pending and counsel requested a 4-month continuance. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting and/or status report is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as set forth in Pr.C. §11050.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700288

CASE NAME: THE CHRISTOPHER GERLACH IRREVOCABLE TRUST

HEARING:

Hearing Re: Receipts and Final Discharge.

COUNSEL:

EDWIN LEONARD GERLACH JR (PET)...MCPETERS MCALEARNEY SHIMOFF
TRUDI ADDISON GERLACH (PET)...MCPETERS MCALEARNEY SHIMOFF &

GENERAL INFORMATION:

Order for Final Distribution of Trust granted 5/24/07

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipt is filed.
2. Need to submit final discharge declaration/order.

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700434

CASE NAME: MTR OF MICHAEL FRANK FRENCH
SEE ALSO 4 4A

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JENNIFER ANNE FRENCH (PET)...PRO/PER
MICHAEL FRANK FRENCH (DEC)...

See notes below (page 4)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700434

CASE NAME: MTR OF MICHAEL FRANK FRENCH
SEE ALSO 3 4A
HEARING:
OSC re: POSTING BOND/WAIVER OF BOND

COUNSEL:
JENNIFER ANNE FRENCH (PET)...PRO/PER
MICHAEL FRANK FRENCH (DEC)...

GENERAL INFORMATION:

Order Appointing Administrator granted on 6/21/07 (limited authority and \$120,000 bond)
Continued from 12/27/07, 1/31/08 and 4/10/08. No appearance at last hearing and nothing new filed. Previously, Ms. French was to seek legal advice as no inventory or bond has been filed.

THIS CASE IS SET FOR HEARING ON OSC re posting bond and issuance of letters

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No Inventory is filed. However, Letters have not been issued as bond is not yet posted.
2. Petitioner has filed a request following the Order Appointing Administrator to waive the requirement of bond alleging that petitioner is the mother of the two minor children and only has limited authority.
3. Notice to the Public Administrator re possibility of appointment as successor was given on 4/14/08.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700434

CASE NAME: MTR OF MICHAEL FRANK FRENCH
SEE ALSO 3 4
HEARING:
OSC re: REMOVAL

COUNSEL:
JENNIFER ANNE FRENCH (PET)...PRO/PER
MICHAEL FRANK FRENCH (DEC)...

GENERAL INFORMATION:
Order Appointing Administrator granted on 6/21/07 (limited authority and \$120,000 bond)
Continued from 4/10/08. No appearance.

THIS CASE IS SET FOR HEARING ON OSC re Removal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters have not been issued as bond is not yet posted.
2. Petitioner has filed a request following the Order Appointing Administrator to waive the requirement of bond alleging that petitioner is the mother of the two minor children and only has limited authority.
3. Notice to the Public Administrator re possibility of appointment as successor was given on 4/14/08.

RECOMMENDATION:
Court's discretion.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700598

CASE NAME: PHYLLIS AGUILAR GILL

HEARING:

FIRST AND FINAL Account and Report of MANUEL A GILL and Petition
for allowance of fees filed.

COUNSEL:

MANUEL A GILL (PET)...ALLEN A FALSETTI
PHYLLIS AGUILAR GILL (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and Final Account and Petition for Final
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner waives statutory compensation.
2. Attorney requests statutory fees of \$2,200. Ok.

RECOMMENDATION:

RFA. If approved, court to set hearing on filing receipts and final discharge for 6/4/09.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700636

CASE NAME: BETTY JO EARL

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

RAMONA ANAGNOS (PET)...PRO/PER
BETTY JO EARL (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 11/15/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory is filed (overdue by 2 months)

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700818

CASE NAME: MILDRED D. EVANS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOHN DAVID EVANS (PET)...JOHN M CARMACK
MILDRED D EVANS (DEC)...

GENERAL INFORMATION:

Letters Testamentary issued 11/26/07 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory filed (overdue by 2 months)

RECOMMENDATION:

Find out status.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700952

CASE NAME: MTR OF ROBERT C SLOCUM AKA BOB SLOCUM

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LORRAINE M SLOCUM (PET)...SKVARNA LAW FIRM
ROBERT C SLOCUM (DEC)...

GENERAL INFORMATION:

Order Appointing executor granted 11/15/07 giving full authority and requiring \$128,000 bond. Letters have not issued as bond is not posted

THIS CASE IS SET FOR HEARING ON filing Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory is filed. However, inventory is premature as Letters Testamentary have not issued nor has bond posted. Court may wish to set OSC re status of posting bond/issuance of letters.

RECOMMENDATION:

Court may wish to set OSC re posting of bond/issuance of letters.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800130

CASE NAME: WILLIE PEARL RANKIN FAMILY TRUST

HEARING:

Petition for ORDRE DETERMINING INTEREST IN PROPERTY AND A
DETERMINATION OF THE EXISTENCE OF BAD FAITH

COUNSEL:

ANTHONY D RANKIN	(PET)...	DENNIS M SANDOVAL
CHARLES W RANKIN	(PET)...	DENNIS M SANDOVAL
ANGELO RANKIN	(OBJ)...	COREEN R WALSON

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Order Determining Interest in Property and a Determination of the Existence of Bad Faith in Disposition of the Property; Removal of Angelo Rankin as Trustee and an accounting of Trust funds; request for surcharge, damages and elder abuse

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file proof of personal service upon trust beneficiaries, including Angelo Rankin per Pr.C. §851.
2. Co-petitioners are the sons of Willie Pearl Rankin. Willie was married to Charles Rankin who died in 1976. Willie and Charles had six children. Willie acquired many valuable commercial and residential real estate holdings during her life, sometimes placing Pierre (son) on title. Willie Rankin created the Willie Pearl Rankin Family Trust on 6/6/05. Section 3.03 of the Trust provides that upon Willie's death, the trust shall terminate and the trustee shall, as soon as reasonably possible, divide the net income and principal remaining in the trust into six equal shares and distribute them to the six beneficiaries. After the execution of the Trust, petitioners allege that Willie requested Pierre transfer his interest in all real property back to her so that she could transfer ownership of the properties to the Trust. Petitioners further allege Pierre refused to do so, and thereafter, Willie amended the

trust dated 5/26/06 to disinherit Pierre as well as provide a specific devise to Ernest Taylor. Weeks later, petitioners allege that Willie executed a deed conveying her property in Shelby County, Tennessee to Angelo (son) on 7/18/06 and in 2005, purchased real property in Yucaipa with her son, Michael, as a joint tenant. Petitioners further allege that upon Willie's death, Angelo had Michael execute a deed conveying Willie's interest in the Yucaipa property to Angelo and his wife on 8/9/06. Michael has asked for the return of the property but Angelo has refused to do so. Petitioners allege that it was Willie's desire that Michael have the Yucaipa property upon her death. Willie died on 8/19/06. Angelo then assumed the duties of successor trustee. In January, 2007, Reginald (son of Willie) requested distribution of \$100,000 due to his terminal illness. Angelo agreed to the distribution in exchange of Reginald placing Angelo as a joint tenant on his bank account. Reginald died on 11/27/07 and Angelo has taken the funds from the bank. Reginald died intestate without issue. As such, the funds from his share would have been distributed equally among Reginald's siblings had Angelo not taken the actions he did. Furthermore, Angelo has not provided an accounting of the trust assets nor kept the beneficiaries informed of the status of the trust. Angelo has failed to make any distributions other than the one distribution to Reginald. Therefore, petitioners request that (1) Angelo be removed as successor trustee and appoint Tony as the next designated successor trustee, (2) compel Angelo to provide an accounting of trust assets, (3) determine whether the transfer of the Tennessee property to Angelo was secured by undue influence, (4) determine whether the Yucaipa property to Angelo was secured by undue influence, (5) determine whether the coercion of Reginald to title his trust distribution as joint tenancy with Angelo was wrongful and secured by fraud, and (6) for damages including double damages per Pr.C. §859 and punitive damages per CC§3294.

3. Question whether the trust beneficiaries have requested an accounting per Pr.C. §17200(a)(7) and has 60 days elapsed from such request? File verified supplement
4. **Opposition filed by Angelo Rankin denying all allegations. Respondent requests that this hearing date be vacated and a new hearing date set to conduct discovery and provide an opportunity to resolve the issues without the necessity of litigation.**

RECOMMENDATION:

Need personal service as provided for in Pr.C. §851 verified supplement re note 3 and then set for Evidentiary hearing.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800366

CASE NAME: VERNA M. COLLINS

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

HOWARD K HATHAWAY (PET)...DENNIS M SANDOVAL
VERNA M COLLINS (DEC)...

No file available for review.

Superior Court of Calif, County of San Bernardino

Page: 11

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800390

CASE NAME: LANETTE RESCHKE

HEARING:

Petition for BY AGENT UNDER POWER OF ATTY FOR ORDER AUTHORIZING
ESTABLISHMENT OF SPECIAL NEEDS TRUST

COUNSEL:

BRENDA RICHTERS (PET)...VARNER & BRANDT, LLP

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition by Agent Under Power of Attorney for
Order Authorizing Establishment of Special Needs Trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner is the attorney in fact for her sister, Lanette Reschke. The power of attorney specifically grants the power to establish a Special Needs Trust. Lanette is to receive approximately \$250,000 from an inheritance. Petitioner requests authority to create a special needs trust for beneficiary. She asserts that beneficiary is a qualified disabled person who receives SSI and Medi-Cal benefits and that receipt of the distribution in this estate case would cause her to lose her eligibility for those benefits. Petitioner asserts that the beneficiary qualifies because she is a qualified disabled person, is under 65 years old, etc.
3. Petitioner brings this petition per Pr.C. 4541 which applies to SNTs created pursuant to a power of attorney. That code section does not specifically apply the requirements of Pr.C. 3600-3613 and CRC Rule 7.903 to a SNT created via power of attorney. However, some courts apply the requirements of Pr.C. 3600 et seq. and CRC Rule 7.903 to these SNTs created pursuant to Pr.C. 4541. See, e.g., California Trust and Estates Quarterly, Vol. 12, Issue 3, Fall 2006, at p. 16 (copy attached to Amended Petition - see yellow tab in file) which states in relevant part that "... it is a good idea to follow the requirements of Probate Code § 3604 and address the requirements of Rule of Court 7.903, although the argument could be made that the court supervision rules of Rule of Court 7.903 to not apply.

Courts in some jurisdictions require ongoing court supervision under Rule of Court 7.903 for trusts established pursuant to Probate Code § 4541, even though the Rule does not mention trusts established under that statute. Some courts have been persuaded by the argument that since the benefits recipient has capacity and is capable to manage his or her own affairs, ongoing court supervision seems unnecessary.” See also CEB, Special Needs Trust, Planning, Drafting, and Administration (2008) § 9.26 at p. 454, § 11.47 at pp. 550-51, and § 11.48 at p. 551, reaffirming that some courts have chosen to apply the requirements of Pr.C. 3600 et seq. and CRC Rule 7.903 to Pr.C. 4541 SNTs created pursuant to power of attorney. (Photocopies of CEB treatise sections placed in file.) This court must decide whether it will apply the additional requirements. All of the notes below would apply only if this court decides to apply the requirements. If the requirements are applied then the court would also need to decide whether petitioner’s supplement satisfies each requirement.

4. The proposed terms of the SNT are set forth at Exhibit A. Issues:
 - a. Article III (C) of proposed SNT defines Special Needs very broadly to include periodic outings and vacations, preneed funeral and burial expenses and taxes. Question whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies.
 - b. Article VIII(A) of proposed SNT provides for no bond for trustee. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. If court requires bond, then bond should be fixed at \$250,000 JTD.
 - c. Article VII (D) of proposed SNT provides that the trustee may purchase and maintain real estate as an asset of the trust. Further that the trustee is specifically authorized to purchase and maintain as a trust asset a home for the beneficiary on the terms that the trustee considers advisable. Question whether the court wants to allow and whether that section will meet the requirements of a SNT. Need P&As supporting and/or clearance from the benefit agencies.

RECOMMENDATION:

Need to clear notes.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02064

CASE NAME: ROGELIO GONZALEZ TRUST

HEARING:

Hearing Re: PETN FOR APPROVAL OF 4TH ACCT CURRENT OF TRUSTEE.

COUNSEL:

UNITED CALIFORNIA BANK (TEE)...JEROLD V GOLDSTEIN

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPASS4882

CASE NAME: IN THE ESTATE OF EDITH BURTON
SEE ALSO 14
HEARING:
Hearing re: FINAL DISCHARGE

EDITH BURTON COUNSEL:
(DEC)...

GENERAL INFORMATION:

Order for Final Distribution granted on 2/16/01

Continued several times since 4/2/02 (last from 11/2/06) and nothing new is filed. At 7/21/06 hearing, court informs counsel that if heir does not respond, funds to be deposited with County Treasurer.

Last continued from 3/8/07, 5/24/07 & 8/23/07 at request of Public Administrator.

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At 2/20/04 hearing, PA advised Court that heir (name not mentioned) had disappeared and PA was holding property for him. On 6/23/04, an Ex Parte Order to Sell Securities (SBC Communications) was signed.
2. Still need receipt from Margit King. Question whether distribution has been made and whether the reserve of \$12,000 or any unused portion has been distributed. As to missing heir, PA could distribute funds to the County Treasurer.
3. Need to submit final discharge declaration/order.

RECOMMENDATION:

Court's discretion.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPASS4882

CASE NAME: IN THE ESTATE OF EDITH BURTON
SEE ALSO 13
HEARING:
Probate status report filed.

COUNSEL:
EDITH BURTON (DEC)...

GENERAL INFORMATION **continued from 8/23/07 and 2/21/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON
Probate status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate final distribution order entered 2/16/01.
2. At most recent 8/23/07 hearing re final discharge, it was noted that a receipt was still needed from beneficiary Margit King. Hearing continued to 2/21/08. Court informed counsel that if money is collected it needs to be deposited with the County Treasurer.
3. PA now reports that administrator and attorney fees have been paid and receipts for distributions have been obtained for all beneficiaries except Margit King. PA also reports that residual beneficiary Margit King has been uncooperative with PA and negotiations are pending re disposition of decedent's personal property which King has refused to collect.

RECOMMENDATION
Court's discretion.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 16-21

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:	
NANCY DEANDA	(PET)...KELLY WARREN
SERGIO GARCIA	(PET)...KELLY WARREN
AGUSTINA GARCIA	(DEC)...
KATHLEEN BRYAN	(PET)...MARTIN E KELLER
LILIA MATA	(OBJ)...MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

GENERAL INFORMATION continued from 10/22/07, 2/7/08 and 4/10/08. Counsel is directed to file status re final and shall also prepare citation for Manuel Garcia, Jr.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal has been filed. When will final be filed? Note: Pr.C. §850 is also before the court (matter 17)

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

(/gls)

Superior Court of Calif, County of San Bernardino

Page: 16

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA

ALSO SEE 15-21

HEARING:

OSC re: Sanctions/Contempt

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

GENERAL INFORMATION:

Continued from 4/5/07. Citation issued as to Manuel Garcia Jr. Counsel to prepare and personally serve the citation.

Continued from 6/22/07. Citation issued to M. Garcia and required to appear 8/27/07. Sheriff to serve citation as process server was ordered off the property after numerous attempts to serve citation.

Continued from 8/27/07. Counsel indicated he would attempt to determine employer of Manuel Garcia, Jr. for service. Nothing new filed.

Continued from 10/22/07 and 2/7/08. Counsel advises no service has yet been made. Counsel is preparing new citation and will submit it to the court for signature.

Last continued from 4/10/08. Court's ROA indicates Citation was issued 4/9/08.

THIS CASE IS SET FOR HEARING ON OSC re sanction/contempt against Manuel Garcia.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter was set by the court when Manuel Garcia Jr. failed to follow the court's orders of 11-28-06 and 12-13-06.
2. Need proof of service of citation.

RECOMMENDATION:

Court's discretion.

(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 15-21

HEARING:

Petition for OF ADMINISTRATOR FOR ORDER TO RECOVER MONIES FROM
MANUEL GARCIA JR.

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Recover Monies from Manual Garcia,
Jr. per Pr.C. §850

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Kathleen Bryan, alleges that on or about 8/24/99 decedent executed three deeds purportedly transferring real properties to Manual Garcia, Jr. Those properties being located at 3506 E. Third St., Los Angeles, 3512 E. Third Street, Los Angeles, and 3515 E. Third Street, Los Angeles. Thereafter, petitioner alleges that Mr. Garcia started collecting rental income from the tenants residing at the real properties of approximately \$2,500/month for the period 8/24/99-8/31/07. Furthermore, petitioner alleges Mr. Garcia also executed two promissory notes secured by deeds of trust in excess of \$250,000. On 10/27/04, a judgment was duly rendered in Los Angeles County Superior Court (BC252772) which provided that (1) the three grant deeds executed by decedent were canceled; (2) Teresa Garcia was ordered to transfer all title and interest in the real

properties to the estate of decedent; (3) Manual Garcia was ordered to transfer all title and interest in the real properties to the estate of decedent; and (4) Manual and Teresa Garcia were found by the court to be constructive trustees of the real property and ordered to return all rental income, rental deposits, rental agreements and/or loan proceeds to the estate of decedent. Manuel and Teresa Garcia were also ordered to provide a full accounting to the estate of decedent describing all income, loan proceeds and expenses arising from the use and management of the real properties. Moreover, on 11/28/06, the San Bernardino Superior Court ordered Manual Garcia to cease collecting rents and managing real property, to turn over rents and rental agreements as well as to provide an accounting. Manual Garcia was also ordered not to interfere with the actions of petitioner in her efforts to manage the real property. Petitioner alleges Manual Garcia has failed to deliver any rental income, rental deposits or monies received as a result of taking deeds of trust against the real properties. Furthermore, Manual Garcia has failed to provide an accounting. Petitioner requests that Manual Garcia, Jr., be ordered to pay petitioner \$500,000, as well as interest of 10% per annum, or \$200,000. Also, that because of Manual Garcia's willful faire and malicious conduct he be ordered to pay double the amount of damages, costs of suit and reasonable attorney's fees.

2. Need to file notice of hearing and proof of service per Pr.C. §851.
3. No opposition filed at the time of the review of this file.

RECOMMENDATION:

Need notice. Determine whether opposition will be filed and set for Evidentiary Hearing.
(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 15-21

HEARING:
Accounting Review

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

GENERAL INFORMATION:

Letters of Administration issued 2/15/07 (limited authority, \$20,000 bond)

Continued from 4/10/08

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report by Kathleen Bryan

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed. However, a Petition to Recover Monies and Reports of Sale are also before the Court which must be resolved before a final accounting filed.

RECOMMENDATION:

Court may wish to continue this matter 90 days.

(gls)

Superior Court of Calif, County of San Bernardino

Page: 19

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 15-21

HEARING:

Report Sale and Petition for Order Confirming Sale of Real Property.

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

NOTE: The subject property of this petition is also the subject property of the pending §850 Petition (matter 17 above). The §850 Petition will need to first be resolved.

Address	3512 E. Third St., Los Angeles (APN: 5179-014-058)
Appraised value	\$200,000. However, need Reappraisal for Sale as real property appraisal is more than one year from the date of sale (Pr.C. §10309[a][1])
Sale price	\$240,000. Unknown if within 90% as Reappraisal is needed.
First overbid	\$252,500.
Deposit	\$5,000. Insufficient – 10% deposit is required per local rule 20-807
Commission	5%, or \$12,000 payable ½ to Century 21-Excellence and ½ to Re/Max Online
Additional bond	\$225,000. JTD
Reason for sale	Necessary to pay debts and costs of administration.

Exposure to market	Placed in MLS, advertised and discussed sale with potential buyers.
--------------------	---

Notice	Need to file Notice of Hearing and proof of service. Also need proof of publication of Notice of Sale.
--------	--

(gls)

Superior Court of Calif, County of San Bernardino

Page: 20

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR
HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 15-21

HEARING:

Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:

NANCY DEANDA	(PET)...	KELLY WARREN
SERGIO GARCIA	(PET)...	KELLY WARREN
AGUSTINA GARCIA	(DEC)...	
KATHLEEN BRYAN	(PET)...	MARTIN E KELLER
LILIA MATA	(OBJ)...	MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

NOTE: The subject property of this petition is also the subject property of the pending §850 Petition (matter 17 above). The §850 Petition will need to first be resolved.

Address	3506 E. Third St., Los Angeles (APN: 5179-014-057)
Appraised value	\$170,000. However, need Reappraisal for Sale as real property appraisal is more than one year from the date of sale (Pr.C. §10309[a][1])
Sale price	\$230,000. Unknown if within 90% as Reappraisal is needed.
First overbid	\$242,000.
Deposit	\$5,000. Insufficient – 10% deposit is required per local rule 20-807
Commission	5%, or \$11,500 payable ½ to Century 21-Excellence and ½ to Re/Max Online
Additional bond	\$215,000. JTD

Reason for sale	Necessary to pay debts and costs of administration.
Exposure to market	Placed in MLS, advertised and discussed sale with potential buyers.
Notice	Need to file Notice of Hearing and proof of service. Also need proof of publication of Notice of Sale.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS05328

CASE NAME: ESTATE OF AGUSTINA GARCIA
ALSO SEE 15-20

HEARING:
Report Sale and Petition for Order Confirming Sale of Real
Property.

COUNSEL:	
NANCY DEANDA	(PET)...KELLY WARREN
SERGIO GARCIA	(PET)...KELLY WARREN
AGUSTINA GARCIA	(DEC)...
KATHLEEN BRYAN	(PET)...MARTIN E KELLER
LILIA MATA	(OBJ)...MARTIN E KELLER
MANUEL GARCIA JR	(GARY R LEEMON)...GARY R LE

NOTE: The subject property of this petition is also the subject property of the pending §850 Petition (matter 17 above). The §850 Petition will need to first be resolved.

Address	3515 E. Third St., Los Angeles (APN: 5179-014-059)
Appraised value	\$260,000. However, need Reappraisal for Sale as real property appraisal is more than one year from the date of sale (Pr.C. §10309[a][1])
Sale price	\$400,000. Unknown if within 90% as Reappraisal is needed.
First overbid	\$420,500.
Deposit	\$35,000. Insufficient – 10% deposit is required per local rule 20-807
Commission	5%, or \$20,000 payable 100% to Century 21-Excellence

Additional bond	\$375,000. JTD
Reason for sale	Necessary to pay debts and costs of administration.
Exposure to market	Placed in MLS, advertised and discussed sale with potential buyers.
Notice	Need to file Notice of Hearing and proof of service. Also need proof of publication of Notice of Sale.
(gls)	

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06802

CASE NAME: EST OF MARY JANE WILSON

HEARING:
Probate status report filed.

	COUNSEL:
WILLIAM F O'NEIL	(PET)...MARTIN E KELLER
MARY JANE WILSON	(DEC)...
RICHARD DONELLA	(TP)...PRO/PER

GENERAL INFORMATION **Continued from 1-7-08, 2/11/08 and 4/10/08 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Status report of administration

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Probate petition granted 1/20/06, \$367,000 bond.
2. Petitioner alleges the estate is not in a condition to be closed as the estate's real property in San Bernardino, CA is not yet sold. Petitioner has found a potential buyer and a notice of proposed action has been sent to the heirs. Petitioner requests to continue this administration for a period of one year.
3. Petitioner alleges no requests for special notice has been filed. However, upon review of the file there are two requests for special notice.
4. Need notice of hearing and proof of service per Pr.C.§12201 including persons requesting special notice. **Proof of service filed. However, notice of hearing must include specific language pursuant to Pr.C.§12201. Also, the date of service is incomplete. Need proper notice**

RECOMMENDATION:
Require proper notice.
(/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06812

CASE NAME: ESTATE OF BETTY JANE SHELTON
SEE ALSO 24

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

HENRY SHELTON (PET)...GUAY P WILSON
BETTY JANE SHELTON (DEC)...

GENERAL INFORMATION

Continued from 8/25/06, 11/30/06, and 2/26/07.

Continued from 6/4/07. No appearance. Court also set OSC re Sanctions.

Continued from 7/16/07 at request of counsel.

Continued from 8/20/07. Counsel informed court that he is obtaining assistance of CPA to complete I&A. OSC re Sanctions taken off-calendar

Continued from 10/15/07 at request of counsel. Nothing new filed.

Continued from 1-7-08. Henry Shelton ordered to be personally present on 2-11-08.

Continued from 2/11/08 as court files letter from accounting office and excuses Henry Shelton from appearing at the next hearing. Nothing new filed.

Last continued from 4/7/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 1/20/06, no bond.
2. No I&A or accounting filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq. (/KRA/NMT/kra/gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS06812

CASE NAME: ESTATE OF BETTY JANE SHELTON
SEE ALSO 23

HEARING:
Accounting Review

COUNSEL:
HENRY SHELTON (PET)...GUAY P WILSON
BETTY JANE SHELTON (DEC)...

See prior notes (matter 23)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 9:00 DEPT: E2

CASE #: SPRSS56284

CASE NAME: ESTATE OF DOROTHY LEE BOWEN

HEARING:
Hearing Re: Receipts and Final Discharge.

COUNSEL:

RUTH HENRICKS	(SA)...HARTNELL LISTER & MOORE
DOROTHY LEE BOWEN	(DEC)...
RICHARD RAINEY	(SA)...
DENNIS LANKFORD	(TP)...PRO/PER

GENERAL INFORMATION:

Order for Final Distribution granted on 2/15/07

Continued from 2/21/08 at request of counsel to locate beneficiaries. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file receipts and submit final discharge

RECOMMENDATION:

Find out status.

(/gls)

Superior Court of Calif, County of San Bernardino

Page: 26

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 05/29/08

TIME: 10:30

DEPT: E2

CASE #: CONPS0700234

CASE NAME: TANYA MARIE SALINAS

HEARING:

Petition for Appointment of Conservator

COUNSEL:

BONITA C SALINAS (CPE)...PRO/PER

TANYA MARIE SALINAS (CEP)...JOAN NELMS

GENERAL INFORMATION:

Continued from 11/5/07 for proof of service. Counsel appointed for proposed conservatee.

Continued from 12/17/07 at request of counsel. Counsel discussing with IRC.

Continued from 01/28/08 at request of counsel; snowed in cannot appear.

Last continued from 3/20/08 at request of counsel to get Medical Capacity Declaration.

THIS CASE IS SET FOR HEARING ON Petition for limited conservatorship of the person and estate, by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator report in the file.
2. Inland Regional Center report filed with no adverse findings.
3. Medical powers sought. File capacity declaration.
4. Petitioner requests that no bond be required in that assets will be placed in a blocked account. The Conservatee has \$8,000 in assets with S.S.I. income of \$856 per month. If the Conservatee assets were \$500 less the estate would qualify for a waiver of bond pursuant to Pr.C. §§ 2323 and 2628. Judge to decide.
5. The Conservatee inherited the \$8,000. Question if this amount will interfere with the eligibility for S.S.I. and Medi-Cal? If so, court may wish to consider a Special Needs Trust. Court might consider a Special Needs Trust with Inland Regional Center acting as the trustee of the \$8,000.
6. **Need report of counsel.**

RECOMMENDATION:

Need to clear note 3. If approved, set hearing for filing of inventory and appraisal, care plan and proof recordation of letters, including proof of service of inventory and appraisal, instructions for objection to inventory and appraisal, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for 1/8/09. Note requirements of local rule 20-1404.

Set hearing re Accounting Review for 7/30/09. Any accounting to be filed 30 days in advance.

(/g/s/cbr/gls

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800108

CASE NAME: ABIOBUN S. O. SHODIYA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
CHARLOTTE R. JACKSON (PCR)...PRO/PER
ABIOBUN S. O. SHODIYA (PCE)...E JOAN NELMS

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02310

CASE NAME: MTR OF DONALD L. PRESTI

HEARING:

third and final Account and Report of JOHN D. MICKUS and
Petition for allowance of fees filed.

COUNSEL:

JOHN D. MICKUS	(CE)...JOHN D MICKU S
DONALD L. PRESTI	(CTE)...PRO/PER
LAWRENCE A DEAN II	(PET)...HORSPOOL & PARKER
KRISTEEN M. NOWLIN	(TP)...ALAN LEIGH ARMSTRONG
JOHN D MICKUS	(PRO/PER)...PRO/PER
DEPT OF DEVELOPMENTAL SRVCS/ K	(PRO/PER)...PRO/PER

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02578

CASE NAME: MTR NINA DUSENBURY WAYNICK

HEARING:
Accounting Review

COUNSEL:
NINA JELINEK (CPE)...HARTNELL LISTER & MOORE
NINA DUSENBURY WAYNICK (CEP)...DUANE P BOOTH

GENERAL INFORMATION:

Third Account/Waiver of Account due for the period 2/4/06 – 2/3/07

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting/waiver of accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02802

CASE NAME: MTR RE ERNEST MICHAEL NICHOLAS

HEARING:

SECOND Account and Report of CAROL DE SEPIO and Petition for allowance of fees filed.

COUNSEL:

CAROL DE SEPIO (CPE)...STEVEN G GROSSMANN
ERNEST MICHAEL NICHOLAS (CEP)...
US DEPT OF VETERANS AFFAIRS (TP)...ALAN K ACHEN
DEPARTMENT OF DEVELOPMENTAL SE(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Accounting covers period: 2/26/06 – 2/14/08

Assets on hand: \$79,020.65 (of which \$29,338.81 is cash, \$2,244.71 preneed burial plan and the balance in securities)

THIS CASE IS SET FOR HEARING ON Second Account Current and Petition for Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file notice of hearing and proof of service.
2. Petitioner requests fees of \$5,338.00, of which \$3,600 has been paid on account per court-ordered periodic payments, leaving an outstanding balance of \$1,738.00. Billed at various rates for various services not exceeding \$85/hour for a total of 80.3 hours. Itemized. JTD
3. Attorney requests fees of \$1,560.00. Billed at \$250/hour for 6 hours. Itemized. JTD
4. Petitioner alleges the current bond of \$115,000 is sufficient. However, with the current assets on hand, estimated annual income and bond recovery costs (CRC 7.207), bond should be increased to \$123,000 (a total increase of \$7,000). JTD Note: Per Order Settling First Account the bond was increased to \$115,000 (from \$80,000). However, the additional bond has

not yet been filed. Court may wish to now order petitioner to file a new bond in the amount of \$123,000.

5. Original facility bills were not submitted, however, conservatee's residence was paid through the State Dept. of Developmental Svcs.

RECOMMENDATION:

Need notice and then court's determination of fees and bond increase. If approved, set next accounting review for 6/3/10. Accounting to be filed 30 days in advance.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 10:30 DEPT: E2

CASE #: SC SS02960

CASE NAME: MTR OF TIMOTHY TODD BRITT

HEARING:
Accounting Review

COUNSEL:
BENJAMIN BRITT (CPE)...WILKINSON & WILKINSON
TIMOTHY TODD BRITT (CEP)...

GENERAL INFORMATION:
2nd Account due for the period: 1/1/07 – 12/31/07

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting is filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

(gls)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **MISC.**

DATE: 05/29/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0600080

CASE NAME: DONALD H ROSE
SEE ALSO 33
HEARING:
Mandatory Settlement Conference

COUNSEL:
DAMON T ROSE (PET)...SOHEILA AZIZI & ASSOCIATES P C
SVEN E ROSE (OBJ)...BRIAN J SIMPSON

No notes – Mandatory Settlement Conference.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 05/29/08 TIME: 1:30 DEPT: E2

CASE #: PROPS0600080

CASE NAME: DONALD H ROSE
SEE ALSO 32

HEARING:

2007 TRUST Account and Report of SVEN E ROSE and Petition for
allowance of fees filed.

COUNSEL:

DAMON T ROSE
SVEN E ROSE

(PET)...SOHEILA AZIZI & ASSOCIATES P C
(OBJ)...BRIAN J SIMPSON

No notes – Judge to decide (See confidential memo in file)

